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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,902	11/16/2001	Hirosato Yagi	011542	7800
23850	7590	06/21/2005	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006			BORISSOV, IGOR N	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/987,902	Applicant(s) YAGI ET AL.	
	Examiner Igor Borissov	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per independent Claims 1 and 5, the "receiving" and "distributing" steps are confusing. It is not clear who receives and who distributes said power.

Furthermore, it is not clear whether the distributed, low voltage power, originated from said "receiving" step, or obtained/generated from other source.

Furthermore, the "distributing" step is recited twice. It is not clear whether said "distributing" steps are conducted at the same time (are the same) or at different times.

As per independent Claims 7 and 12, it is not clear what said Claims refer to: an apparatus or method. The preamble of the Claims refer to both apparatus and method, and the body of the Claims recite both structural elements and method steps. For purposes of examination the examiner assumes that

The remaining Claims are rejected as being dependent on the independent Claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (US 6,681,156) in view of Tanner, Jr. et al. (US 6,636,784).

Weiss teaches a method for planning energy supply for energy consumers, comprising:

Claim 1. Receiving power which is purchased by a management company based on a purchase contract with an electric power company in consideration of the total amount of power needed by users (C. 7, L. 59-64; C. 8, L. 5-26);

determining maximum amount of power needed (C. 14, L. 48-53); and
distributing said power to users (C. 8, L. 29-30).

Weiss does not specifically teach that said energy is received at high voltage, and distributed at a low voltage.

Tanner, Jr. et al. (Tanner) teaches a method for re-delivering the contracted power, comprising:

Receiving high (transmission) voltage power at the electricity transfer station (20) (Fig. 1; C. 3, L. 56-57);

determining a contracted current for each of the users depending on the maximum current capacity (C. 4, L. 58-67); and

distributing nominal (distribution) voltage power from said electricity transfer station to each of the users (C. 3, L. 58-59),

wherein said electricity transfer station includes step down transformers (C. 4, L. 6-7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weiss to include that said energy is received at high voltage, as disclosed in Tanner, because it would advantageously allow to avoid losses of power during the transmission. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weiss and Tanner to include utilizing step-down transformers for distributing a low voltage power to

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consumers, as disclosed in Tanner, because it would advantageously allow said consumers to utilize said power for household appliances.

Furthermore, the examiner notes that the applicant admitted that it is well known to transmit power for industry at high voltage, and distribute said power to household at low voltage (Page 1 of Specification, Background of the Invention, lines 17-20).

Furthermore, Tanner teaches:

Claim 2. Allocating an excessive current capacity, which is not necessary for one user to another user who needs the excessive current capacity (C. 3, L. 37-41).

Claim 3. Requesting necessary current capacity, allocating current capacity based on the request, and distributing the contracted current to the users (C. 4, L. 58-67).

Claim 4. Charging a penalty when a current used exceeds the contracted current allocated to each of the users (C. 1, L. 27-29).

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss in view of Tanner and further in view of Mistr, Jr. (US 5,794,212) (Mistr).

Weiss teaches a method for planning energy supply for energy consumers, comprising:

Claim 5. Receiving power which is purchased by a management company based on a purchase contract with an electric power company in consideration of the total amount of power needed by users (C. 7, L. 59-64; C. 8, L. 5-26);
determining maximum amount of power needed (C. 14, L. 48-53); and
distributing said power to users (C. 8, L. 29-30).

Weiss does not specifically teach that said energy is received at high voltage, and distributed at a low voltage.

Tanner teaches a method and system for re-delivering the contracted power, comprising:

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Receiving high (transmission) voltage power at the electricity transfer station (20) (Fig. 1; C. 3, L. 56-57);

determining a contracted current for each of the users depending on the maximum current capacity (C. 4, L. 58-67); and

distributing nominal (distribution) voltage power from said electricity transfer station to each of the users (C. 3, L. 58-59),

wherein said electricity transfer station includes step down transformers (C. 4, L. 6-7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weiss to include that said energy is received at high voltage, as disclosed in Tanner, because it would advantageously allow to avoid losses of power during the transmission. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weiss and Tanner to include utilizing step-down transformers for distributing a low voltage power to consumers, as disclosed in Tanner, because it would advantageously allow said consumers to utilize said power for household appliances.

Furthermore, the examiner notes that the applicant admitted that it is well known to transmit power for industry at high voltage, and distribute said power to household at low voltage (Page 1 of Specification, Background of the Invention, lines 17-20).

Weiss and Tanner does not specifically teach auctioning for additional power.

Mistr, Jr. (Mistr) teaches a method and system for efficient purchasing of energy, wherein a potential user requests bids from those able to free up the needed capacity (C. 4, L. 29-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weiss and Tanner to include auctioning for additional power, as disclosed in Mistr, because it would advantageously allow a buyer to obtain the needed capacity at the best available price.

Claim 6. Same reasoning as in **claim 4**.

Claims 7-10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner in view of Weiss.

Claim 7. Tanner teaches a system for re-delivering the contracted power, comprising:

The electricity transfer station adapted to receive high (transmission) voltage power (20) (Fig. 1; C. 3, L. 56-57) and distribute nominal (distribution) voltage power to each of the users (C. 3, L. 58-59).

Tanner does not explicitly teach a server for controlling a distribution status, and a network for interconnection the server and each user.

Weiss teaches a system for planning energy supply for energy consumers, comprising: a server accessible by users via the Internet, wherein said server having means for determining contracted current for each of the users based on information on each of the users supplied to the server (C. 14, L. 56-61).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tanner to include a server accessible by users via the Internet, as disclosed in Weiss, because it would advantageously provide users with convenient and instantaneous access to energy-related information.

Language as to "*which is purchased by a management company based on a purchase contract with an electric power company in consideration of the total amount of necessary power*" and "*said method comprises determining a contracted current for each of the users on the basis of information on each of the users supplied to the server and distributing power to each of the users*" does not recite a structural limitation and, therefore, is given no patentable weight. MPEP 2106 (II) (C) states: "*Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.*"

Furthermore, it is note that said network is not positively claimed. The examiner recommends to rewrite the Claim accordingly.

Claim 8. Tanner teaches said system, wherein a control device for controlling and displaying information on power consumed by each of the users is provided (C. 4, L. 17-19).

Claim 9. Said system as in Claim 7. Language as to “*wherein an excessive current capacity which is not necessary for one user is given to the server, information on another user willing to increase a contracted current is given to the server, and the excessive current capacity is allocated to the another user on the basis of the information*” does not recite a structural limitation and, therefore, is given no patentable weight. MPEP 2106 (II) (C) states: “*Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.*”

Claim 10. Said system as in Claim 7. Language as to “*wherein information on a maximum current capacity required by each of the users is given to the server, the server determines the contracted current of each of the users on the basis of the information and distributes the power to each of the users*” does not recite a structural limitation and, therefore, is given no patentable weight. MPEP 2106 (II) (C) states: “*Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.*”

Claim 12. Tanner teaches a system for re-delivering the contracted power, comprising:

The electricity transfer station adapted to receive high (transmission) voltage power (20) (Fig. 1; C. 3, L. 56-57) and distribute nominal (distribution) voltage power to each of the users (C. 3, L. 58-59), and a circuit re-closer and switches (current limiter), which is controlled on the basis of determining a contracted current for each of the users depending on the maximum current capacity, and distributing power to each of the users (C. 8, L. 4-12).

Tanner does not explicitly teach a server for controlling a distribution status, and a network for interconnection the server and each user.

Weiss teaches a system for planning energy supply for energy consumers, comprising: a server accessible by users via the Internet, wherein said server having means for determining contracted current for each of the users based on information on each of the users supplied to the server, and means for controlling and displaying information on power consumed by each user (C. 14, L. 56-61).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tanner to include a server accessible by users via the Internet, as disclosed in Weiss, because it would advantageously provide users with convenient and instantaneous access to energy-related information.

Language as to *"which is purchased by a management company based on a purchase contract with an electric power company in consideration of the total amount of necessary power"* and *"said determining a contracted current for each of the users on the basis of information on each of the users supplied to the server and distributing power to each of the users"* does not recite a structural limitation and, therefore, is given no patentable weight. MPEP 2106 (II) (C) states: *"Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation."*

Furthermore, it is note that said network is not positively claimed. The examiner recommends to change the Claim accordingly.

Claim 13. Said system as in Claim 12. Language as to *"wherein an excessive current capacity which is not necessary for one user is given to the server, information on another user willing to increase a contracted current is given to the server, and the excessive current capacity is allocated to the another user on the basis of the information"* does not recite a structural limitation and, therefore, is given no patentable weight. MPEP 2106 (II) (C) states: *"Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation."*

Claim 14. Said system as in Claim 7. Language as to *"wherein information on a maximum current capacity required by each of the users is given to the server, the server determines the contracted current of each of the users on the basis of the*

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information and distributes the power to each of the users” does not recite a structural limitation and, therefore, is given no patentable weight. MPEP 2106 (II) (C) states: “Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.”

Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner in view of Weiss and further in view of Mistr.

Claims 11 and 15. Tanner in view of Weiss teaches all the limitations of Claims 11 and 15, except specifically teaching auctioning for additional power.

Mistr teaches a method and system for efficient purchasing of energy, wherein a potential user requests bids from those able to free up the needed capacity (C. 4, L. 29-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weiss and Tanner to include auctioning for additional power, as disclosed in Mistr, because it would advantageously allow a buyer to obtain the needed capacity at the best available price.

Response to Arguments

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (571) 272-6801.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Hayes, can be reached at (571) 272-6708.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington D.C. 20231

or faxed to:

(703) 872-9306 [Official communications; including After Final
communications labeled "Box AF"]

Igor Borissov
Patent Examiner
Art Unit 3639

A handwritten signature in black ink, appearing to read 'Igor Borissov', with a large, stylized flourish extending from the end of the signature.

IB

6/09/2005